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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ALASKA**

WESLEY WORRELLS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. F05-0025CV (RRB)
	)	
SAM'S WEST, INC.,	)	
d/b/a SAM'S CLUB # 6603	)	
	)	
Defendant.	)	SCHEDULING AND PLANNING
	)	CONFERENCE REPORT

1. **Meeting.** In accordance with F.R.Civ.P. 26(f), a meeting was held on February 2, 2006, and was attended by:

William B. Schendel	attorney for plaintiff Wesley Worrells
William Earnhart	attorney for defendant Sam's West Inc.

The parties recommend the following:

2. **Pre-Discovery Disclosures.** The information required by F.R.Civ.P. 26(a)(1):

\_\_\_\_\_ have been exchanged by the parties

X  will be exchanged by the parties by February 16, 2006.

Proposed changes to disclosure requirements: *(Insert proposed changes, if any)*

Preliminary witness lists

\_\_\_\_\_ have been exchanged by the parties

X   will be exchanged by the parties by February 16, 2006.

3. **Contested Issues of Fact and Law.** Preliminarily, the parties expect the following issues of fact and/or law to be presented to the court at trial in this matter:

Plaintiff's exempt status; number of hours plaintiff worked; and good faith of defendant.

4. **Discovery Plan.** The parties jointly propose to the court the following discovery plan.

A. Discovery will be needed on the following issues:

Liability, damages.

B. All discovery commenced in time to be completed by September 1, 2006 ("discovery close date").

C. Limitations on Discovery.

1. Interrogatories

  X   No change from F.R.Civ.P. 33(a)

       Maximum of        by each party to any other party.

Responses due in        days.

2. Requests for Admissions.

  X   No change from F.R.Civ.P. 36(a).

       Maximum of        requests.

Responses due in        days.

3. Depositions.

  X   No change from F.R.Civ.P. 36(a), (d).

       Maximum of        depositions by each party.

Depositions not to exceed        hours unless agreed to by all parties.

D. Reports from retained experts.

  X   Not later than 90 days before the close of discovery subject to F.R.Civ.P.  
26(a)(2)(C).

       Reports due:

From plaintiff (*insert date*)

From defendant (*insert date*)

E. Supplementation of disclosures and discovery responses are to be made:

  X   Periodically at 60-day intervals from the entry of scheduling and planning  
order.

       As new information is acquired, but not later than 60 days before the close  
of discovery.

F. A final witness list, disclosing all lay and expert witnesses whom a party may  
wish to call at trial, will be due:

  X   45 days prior to the close of discovery.

       Not later than (*insert date*)

5. **Pretrial Motions.**

  X   No change from D.Ak. LR 16.1(c).

The following changes to D.Ak. LR 16.1(c). [Check and complete all that apply]

       Motions to amend pleadings or add parties to be filed not later than (*insert  
date*).

       Motions under the discovery rules must be filed not later than (*insert date*).

       Motions in limine and dispositive motions must be filed not later than (*insert  
date*).

6. **Other Provisions:**

A. ☒ The parties do not request a conference with the court before the entry of the scheduling order.

☐ The parties request a scheduling conference with the court on the following issue(s):  
(*Insert issues on which a conference is requested*)

B. Alternative Dispute Resolution. [D.Ak. LR 16.2]

☒ This matter is not presently considered a candidate for court-annexed alternative dispute resolution, but the parties will advise if that changes.

☐ The parties will file a request for alternative dispute resolution not later than (*insert date*).

☐ Mediation ☐ Early Neutral Evaluation

C. The parties ☐ do ☒ not consent to trial before a magistrate judge.

D. Compliance with the Disclosure Requirements of F.R.Civ.P. 7.1

☒ All parties have complied ☐ Compliance not required by any party

7. **Trial.**

A. The matter will be ready for trial:

☒ 45 days after the discovery close date.

☐ not later than (*insert date*).

B. This matter is expected to take  days to try.

C. Jury Demanded ☒ Yes ☐ No

Right to jury trial disputed? ☐ Yes ☒ No

Dated: February 9, 2006

WINFREE LAW OFFICE  
A Professional Corporation  
For Plaintiff Worrells

s/ William B. Schendel

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LANE POWELL  
For Defendant Sam's West, Inc.

s/ William A. Earnhart (consent)

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**Certificate of Service**

I hereby certify that on February 9, 2006, a copy of the foregoing Scheduling and Planning Conference Report was served electronically on William Earnhart.

s/ William B. Schendel

Winfree Law Office